IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

WP(C).No. 27848 of 2007(M)

PETITIONER:

JESSY THOMSON, W/O.P.M.THOMSON,
MEENATHU MELATHIL, JOHNSY VILLA,
PANNIVIZHA MURI, ADOOR VILLAGE,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.K.MADHUSOODHANAN NAIR,
ADV. SRI.C.B.SREEKUMAR.

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY THE DISTRICT SUPERINTENDENT OF POLICE, PATHANAMTHITTA.**
2. **CIRCLE INSPECTOR OF POLICE, ADOOR.**
3. **THANKACHAN, S/O.THOMAS PAPPY, PALAKKODE PUTHEN VEEDU, ENADIMANGALAM VILLAGE, ADOOR TALUK.**
4. **T.D.BAIJU, SECRETARY, AREA COMMITTEE, CPI(M), AREA COMMITTEE OFFICE, ADOOR.**
5. **T.MADHU, MEMBER, AREA COMMITTEE, CPI (M), AREA COMMITTEE OFFICE, ADOOR.**

BY ADV. SRI.ANANDARAJAN.N,
SRI. K.SHAJ,
SRI.SAJJU.S,
GOVERNMENT PLEADER SRI. SALIM.P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/10/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.27848/2007-M:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE AGREEMENT OBTAINED FORCIBLY FROM THE PETITIONER ON 10/03/2007.

EXT.P.2: COPY OF THE PETITION SUBMITTED TO THE R.1. BY THE PETITIONER'S SON DTD. 14/09/2007.

EXT.P.3: COPY OF THE PETITION SUBMITTED TO THE R.2. BY THE PETITIONER DTD. 15/09/2007.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO. 27848 OF 2007-M

Dated 18th October, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner submits, she availed a loan of Rs.5 lakhs from the 3rd respondent, who is a money lender. At the instance of respondents 3 to 5, she has been compelled to execute Ext.P1 agreement to pay the amount due to the 3rd respondent before 1.5.2007. Alleging that she has failed to pay the amount within the said time limit, the respondents 3 and 5 came to her residence and started living in the said building. So, she filed Ext.P2 representation before the District Superintendent of Police, Pathanamthitta and also Ext.P3 representation before the C.I of Police. The above incident took place on 14.9.2007, it is submitted. Since the police did not take any effective action , this writ petition is filed, seeking a direction to the respondents 1 and 2 to render adequate protection for the life of the petitioner and her family members against the harassment from respondents 3 to 5 and their associates.

2. The 3rd respondent has filed a counter affidavit, denying the allegations against him. He submits, Ext.P1 was executed at the instance of the petitioner. The respondents 4 and 5 have also filed a counter affidavit, denying the allegations against them. The 2nd respondent has filed a statement, in which it is submitted that the petitioner had borrowed several lakhs rupees from the people of the locality, including the 3rd respondent. It is also understood that she has used that money for purchasing landed properties. Now, she requires police protection from her creditors. It is also submitted that on coming to know of the incident which took place on 14.9.2007, the police took expeditious and effective steps to protect the petitioner.

3. Heard the learned counsel on both sides. We feel that the parties should settle their dispute before the appropriate civil court. If there is any commission of cognizable offence and report of the same is received, the police shall enquire into it and take appropriate action in accordance with

law.

With the above direction, the writ petition is disposed of.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/